

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

23 Cr. 10 (RMB)

AVRAHAM EISENBERG,

Defendant.

Arraignment

New York, N.Y.
February 14, 2023
12:00 p.m.

Before:

HON. RICHARD M. BERMAN,

District Judge

APPEARANCES

DAMIAN WILLIAMS

United States Attorney for the
Southern District of New York

BY: THOMAS BURNETT

Assistant United States Attorney

WAYMAKER LLP

BY: BRIAN EDWARD KLEIN

-AND-

TALKIN, MUCCIGROSSO & ROBERTS

BY: SANFORD N. TALKIN

Attorneys for Defendant

Also Present:

Brandon Racz, FBI

1 THE COURT: Good afternoon, everybody. I think we are
2 here for an arraignment, if I'm not mistaken.

3 So I would ask counsel and Mr. Eisenberg if they have
4 received a copy of the indictment in this case, number one.

5 MR. KLEIN: Yes, your Honor. Our client,
6 Mr. Eisenberg, who is here, has received the indictment and has
7 reviewed it with us.

8 THE COURT: Did you all want me to read it in court?

9 MR. KLEIN: No, your Honor.

10 THE COURT: And what plea, Mr. Eisenberg, did you wish
11 to enter?

12 THE DEFENDANT: Not guilty.

13 THE COURT: So that's really all there is for us
14 today, except we usually schedule a next date.

15 How much time does defense counsel want?

16 MR. KLEIN: Your Honor, Mr. Eisenberg intends to
17 retain us. We made a limited appearance at the magistrate
18 court. We're still finalizing that. We have talked to the
19 prosecutors.

20 We'd like to come back in about four weeks as a
21 control date to update you and confirm that. We plan to move
22 that expeditiously. In the meantime, we are keeping things
23 moving. We are going to get discovery from the prosecutor. So
24 we were thinking the week of March 14, your Honor.

25 THE COURT: Counsel, how about March 14 at 1:00 p.m.?

1 MR. KLEIN: That works for the defense, your Honor.

2 THE COURT: Is that okay with the government?

3 MR. BURNETT: Yes, your Honor.

4 THE COURT: Is there a speedy trial issue or
5 application that we need to consider or no?

6 MR. BURNETT: Yes, your Honor. The government moves
7 to exclude time under the Speedy Trial Act until the next
8 conference on March 14. That's in the interests of justice
9 because it will allow time for the government to begin
10 producing discovery, for the defense to begin reviewing that
11 discovery, and for the parties to discuss whether there is a
12 possible pretrial resolution to the case available.

13 THE COURT: I'm going to find, under 18 U.S. Code
14 Section 3161, that the request for adjournment to and including
15 March 14, 2023, as submitted by counsel for both parties, is
16 appropriate and warrants exclusion of the adjourned time from
17 speedy trial calculations.

18 I further find that the exclusion is designed to
19 prevent any possible miscarriage of justice; to facilitate
20 these proceedings; to guarantee effective representation of and
21 preparation by counsel for both parties. And thus the need for
22 exclusion and the ends of justice outweigh the interests of the
23 public and the defendant in a speedy trial pursuant to 18 U.S.
24 Code Section 3167(h)(7)(A) and (B).

25 So unless you have any other business that you want to

1 bring up, we're adjourned for today.

2 MR. KLEIN: Thank you, your Honor.

3 THE COURT: Great. Nice to see you all.

4 (Adjourned)

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